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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JANE DOE (K.S.),

Plaintiff,

vs.

PRINCESS CRUISE LINES, LTD.,
a corporation for profit,

Defendant.

CASE NO.:

**PLAINTIFF'S COMPLAINT AND
DEMAND FOR JURY TRIAL**

COMPLAINT AND DEMAND FOR JURY TRIAL

The Plaintiff, JANE DOE (K.S.), brings this action individually. This action is brought against Defendant, PRINCESS CRUISE LINES, LTD. (at times “PRINCESS”), a for-profit corporation, for personal injuries sustained when a crewmember sexually assaulted and eventually raped the minor Plaintiff. The Plaintiff seeks damages and demands a jury trial on all issues so triable against Defendant.

JURISDICTION AND THE PARTIES

1. This action is an action under General Maritime Law of the United States and the laws of California, as applicable.

2. This action is being pursued in this Court, as opposed to state court as otherwise allowed by the Saving to Suitors Clause of 28 U.S.C. §1333, because Defendant unilaterally inserts a forum selection clause into its cruise tickets that requires its passengers to file cruise-related suits only in this federal district and division, as opposed to any other place in the world. The demand for a jury trial included herein is also made pursuant to the Saving to Suitors Clause of 28 U.S.C. §1333.

3. This action is also being pursued under Cal. Code Civ. Proc., § 340.1, which states, in part, as follows: “In an action for recovery of damages suffered as a result of childhood sexual assault, the time for commencement of the action shall be within 22 years of the date the plaintiff attains the age of majority or within five years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after the age of majority was caused by the sexual assault, ***whichever period expires later...***” Code Civ. Proc., § 340.1(a) (emphasis added).

4. Defendant, at all times material hereto, personally or through an agent:
 - a. Operated, conducted, engaged in or carried on a business venture in this state and/or county or had an office or agency in this state and/or county;
 - b. Was engaged in substantial activity within this state;
 - c. Operated vessels in the waters of this state;
 - d. Purposefully availed itself of the benefits of conducting activities in California by purposefully directing its activities toward the state, thereby obtaining the benefits and protections of the state's laws;
 - e. The acts of Defendant set out in this Complaint occurred in whole or in

1 part in this state and/or county;

2 f. The cruise line ticket for the Plaintiff requires that suit be brought in this
3 Court against Defendant.

4 5. Defendant is subject to the jurisdiction of the courts of this state.

5 6. The Plaintiff was and is a citizen of the state of Florida, over the age of
eighteen years and is otherwise *sui juris*.

7 7. At all times material hereto, Defendant was and is a for-profit corporation
8 with its worldwide headquarters, principal address and principal place of business
9 located in the County of Los Angeles.

10 8. At all times material hereto, Defendant was and is a common carrier
11 engaged in the business of marketing, selling and operating a cruise line out of various
12 ports throughout the world, including, Los Angeles, California.

13 **FACTS COMMON TO ALL COUNTS**

14 9. At all times material hereto, Defendant owned, operated, managed,
15 maintained and/or controlled the vessel, *Coral Princess* ("the vessel").

16 10. At all times material hereto, Defendant had exclusive custody and control
17 of the vessel.

18 11. At all times material hereto, Defendant employed and controlled a
19 crewmember by the name of Daniel Scott Crow ("the Assailant").

20 12. At all times material hereto, the Assailant was a member of the crew of the
21 vessel and was acting in the course and scope of his employment as, upon information
22 and belief, Assistant Cruise Director.

23 13. Between July 10, 2019 and July 17, 2019, Plaintiff was a paying passenger
24 aboard the vessel, which was in navigable waters.

25 **The Assailant's Targeting, Sexual Assault, and Rape of the Plaintiff**

26 14. At the time of the cruise, Plaintiff was 16 years old, and the Assailant was

1 in his mid- to late-thirties.

2 15. A few days into the cruise, the minor Plaintiff was looking at passengers
3 participating in a painting contest aboard the vessel. The Assailant was at the painting
4 contest; he saw the minor Plaintiff and invited her to participate in the contest; and
5 she did so.

6 16. After the painting contest, the Assailant invited the minor Plaintiff to
7 participate in an egg-throwing contest that was taking place aboard the vessel on the
8 same day, and she accepted such invitation as well.

9 17. After the egg-throwing contest, the Assailant invited the minor Plaintiff to
10 participate in a bracelet-making class that was taking place aboard the vessel on the
11 same day, and she accepted such invitation as well. During the class, the Assailant
12 asked the minor Plaintiff where she lived, he told her he was from the same state
13 (Florida), and he asked her what dining room she was assigned to aboard the vessel.

14 18. At dinner later that evening, the Assailant went to the dining room that the
15 minor Plaintiff was located in aboard the vessel in order to see her, and he took a
16 picture with her.

17 19. On the following day(s), the minor Plaintiff attended an Alaskan dog show
18 event aboard the vessel, and the Assailant was at the event. During the event, the
19 Assailant directed the minor Plaintiff to stand in a certain location on a top step, where
20 the Assailant proceeded to stare at the minor Plaintiff's buttocks.

21 20. Toward the end of the cruise, the minor Plaintiff participated in a truth/lie
22 game aboard the vessel, and the Assailant was at the game. The Assailant approached
23 the minor Plaintiff's table, and he asked the minor Plaintiff for her contact
24 information. Thereafter, the Assailant continuously communicated with the minor
25 Plaintiff through social media.

26 21. On the last day of the cruise, the Assailant asked the minor Plaintiff what
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1 station she was disembarking the vessel from, and he went to such station to say bye
2 to her.

3 22. After the cruise, the Assailant repeatedly engaged in sexual conversations
4 with the minor Plaintiff in a manner so as to “groom” the minor Plaintiff for sex in
5 the near future.

6 23. In May 2020, when the Plaintiff was still a minor, the Assailant raped the
7 Plaintiff.

8 24. At all times material hereto, the Assailant knew the Plaintiff was a minor.

The Plaintiff's Inability to Immediately Report the Incident

25. Every 68 seconds another American is sexually assaulted.¹ One out of every six American women has been the victim of an attempted or completed rape in her lifetime (14.8% completed, 2.8% attempted).² Yet many instances of sexual violence go unreported. In fact, only 31% (310 out of every 1,000) sexual assaults are reported.³

15 26. In addition, according to forensic psychiatrist, Dr. Barbara Ziv, most
16 assaults are not reported. Some factors contributing to victims not reporting include,
17 but are not limited to, shame and self-blame.

¹⁹ ¹ Rape, Abuse & Incest National Network (“RAINN”), “Scope of the Problem: Statistics,” <https://www.rainn.org/statistics/scope-problem> (citing Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2019 (2020)).

²¹ ² Id. (citing National Institute of Justice & Centers for Disease Control & Prevention, Prevalence, Incidence and Consequences of Violence Against Women Survey (1998)).

²³ RAINN, “The Criminal Justice System: Statistics,” <https://www.rainn.org/statistics/criminal-justice-system> (citing [i.] Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2015-2019 (2020); [ii.] Federal Bureau of Investigation, National Incident-Based Reporting System, 2012-2016 (2017); [iii.] Federal Bureau of Investigation, National Incident-Based Reporting System, 2012-2016 (2017); [iv.] Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Felony Defendants in Large Urban Counties, 2009 (2013)).

1 27. In line with the foregoing, Plaintiff was unable to report the incident to
2 Defendant through counsel until January 2023 due to the trauma and Plaintiff's mental
3 health.

4 28. Additionally, considering that the Assailant was a crewmember who
5 intentionally and knowingly caused injury to the Plaintiff by committing the
6 intentional tort of sexual assault and rape, and considering further that the Assailant's
7 knowledge is imputed to Defendant as Defendant's employee, Defendant was on
8 notice of the incident, and as such, no other notice was required.

The Assailant's History and Criminal Conviction

10 29. In addition to the Plaintiff, the Assailant communicated with at least one
11 other individual in an attempt to obtain children for sex, including children as young
12 as five years old.

13 30. The Assailant also received and possessed over 600 images and/or videos
14 of child pornography, which included content depicting prepubescent minors under
15 the age of 12 and the sexual abuse of toddlers.

16 31. On June 10, 2022, the Assailant was indicted for, *inter alia*, Enticement of
17 a Minor (Count 1) and Production of Child Pornography (Count 2), both of which
18 related to the minor Plaintiff.

19 32. On August 12, 2022, the Assailant pleaded guilty to Enticement of a Minor
20 (Count 1) and Production of Child Pornography (Count 2).

21 33. On December 12, 2022, Judge Martinez in the United States District Court
22 for the Southern District of Florida sentenced the assailant to 30 years' imprisonment,
23 and the Assailant is currently an inmate at the Federal Detention Center in Miami,
24 Florida.

Defendant's Notice and the Prevalence of Sexual Assaults and Rapes

26 34. At all times material hereto, Defendant had a policy and procedure that

1 prohibited crewmembers from fraternizing with passengers because, at least in part,
 2 such fraternization resulted in passengers being sexually assaulted and/or raped by
 3 crewmembers. Therefore, before this incident, Defendant knew or should have known
 4 that it was reasonably foreseeable for the Assailant's inappropriate fraternization with
 5 the Plaintiff to result in the Plaintiff being sexually assaulted and/or raped by the
 6 Assailant.

7 35. Pursuant to the Secretary of Transportation's statistical compilation of
 8 shipboard incidents, since 2016, there were a total of 391 sexual assaults reported on
 9 cruise ships, with 175 of such assaults reported by Defendant's parent company,
 10 Carnival Corporation, and 9 reported by Defendant.⁴

11 36. Notably, however, since 2016, the percentage of sexual assaults committed
 12 by Defendant's crewmembers, like the Assailant, are substantially higher compared
 13 to other cruise lines. For instance, according to the Secretary of Transportation's
 14 statistical compilation *for all cruise lines*, 24% of sexual assaults were committed by
 15 crewmembers generally. In stark contrast, *for Defendant*, 89% of sexual assaults were
 16 committed by Defendant's crewmembers, like the Assailant. This comparison is
 17 demonstrated below.

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⁴ These figures do not represent the actual number of sexual assaults because, pursuant to 46 U.S.C. § 3507(g), cruise lines (including Defendant) are *only* required to report those instances that occur (a) in the territorial waters of the United States; (b) involve a United States citizen when occurring outside the jurisdiction of any nation; and (c) involve a United States citizen when occurring on a vessel that departed from or will arrive in a United States port. As a result, many incidents of sexual assaults and rapes which have occurred aboard Defendant's cruise ships and those under their parent company, Carnival Corporation, are presently unreported to the FBI and/or are not included in the Secretary of Transportation's statistical compilation of shipboard incidents. These figures also include the data from 2020 and 2021, when cruises were largely cancelled due to COVID-19.

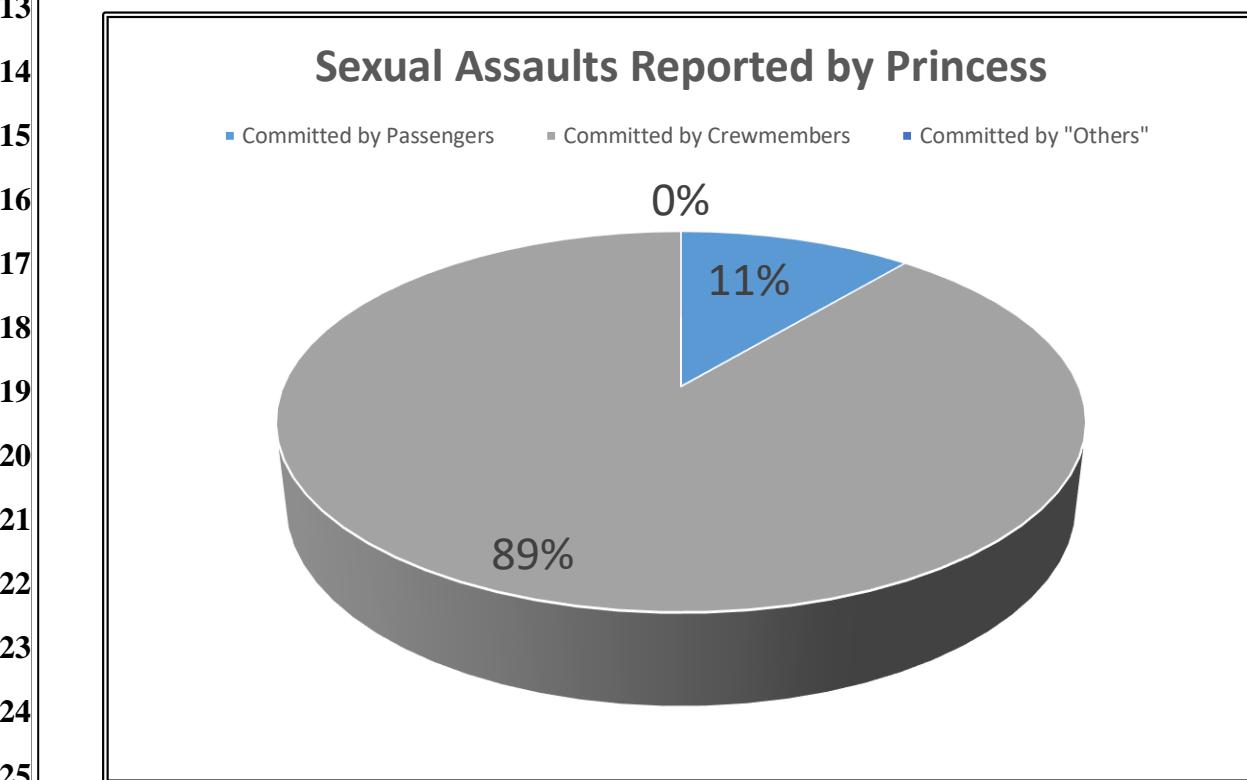
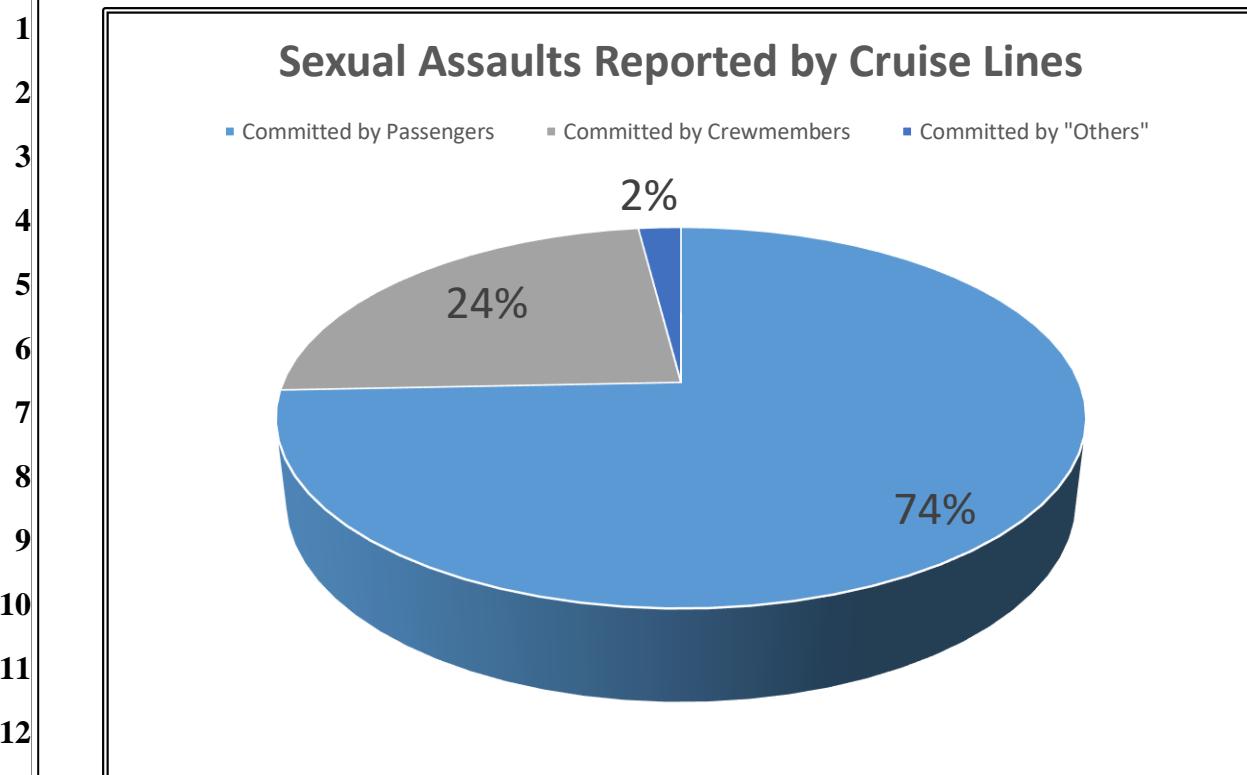
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26 37. The foregoing shipboard incidents are reported by cruise lines directly to
27 the Secretary of Transportation and/or the Federal Bureau of Investigation.

1 Accordingly, before this incident, Defendant knew or should have known that a sexual
 2 assault and/or rape was reasonably foreseeable considering the prevalence of sexual
 3 assaults aboard cruise ships generally and by crewmembers aboard Defendant's
 4 vessels specifically.

5 38. At all times material hereto, Defendant advertised and marketed its cruises
 6 and vessels to induce prospective cruisers to sail on its vessels. In doing so, Defendant
 7 deliberately emphasized the positives of its cruises and vessels, almost to the exclusion
 8 of any negatives, such as the risk of crime and injury aboard its vessels, which was
 9 known to Defendant. For instance, Defendant stated that “[t]he safety and security of
 10 [its] guests” was a “top priority[,]” and that Defendant “meet[s], and often exceed[s],
 11 U.S. and international regulations” and that Defendant’s “officers undergo extensive
 12 training[.]”⁵ As a result, Defendant failed to give prospective passengers (like
 13 Plaintiff) sufficient information to make fully informed decisions to book a cruise
 14 and/or to fully comprehend the need to take precaution for their own safety while
 15 aboard Defendant's vessels.

16 39. Instances of rapes and/or sexual assault occur aboard vessels owned and
 17 operated by Defendant and its parent company Carnival Corporation at an alarming
 18 rate. Yet Defendant fails to take adequate steps or provide adequate security to
 19 prevent such rapes and/or sexual assaults and fails to warn its passengers of the
 20 growing epidemic of rape and sexual assault at sea. Defendant's motive for failing to
 21 warn its passengers is financial in nature; that is, Defendant willfully chooses not to
 22 warn its passengers about rapes and sexual assaults aboard its ships so as not to scare
 23 any prospective passengers away. Such willful and outrageous conduct on the part of
 24 Defendant exposes it to punitive damages. *See Lobegeiger v. Celebrity Cruises, Inc.,*
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 27 ⁵ <https://www.princess.com/careers/about-princess/>

1 No. 11-21620, 2011 WL 3703329, 2011 U.S. Dist. LEXIS 93933 (S.D. Fla. Aug. 23,
2 2011).

3 **COUNT I**

4 **STRICT VICARIOUS LIABILITY FOR**

5 **RAPE/SEXUAL ASSAULT AGAINST DEFENDANT**

6 The Plaintiff realleges, incorporates by reference and adopts the allegations set
7 forth in paragraphs one (1) through thirty-nine (39) as though alleged originally
8 herein.

9 40. On or about the above date(s), Plaintiff was sexually assaulted and raped by
10 the Assailant aboard the vessel.

11 41. At all times material hereto, the Assailant who sexually assaulted and raped
12 the Plaintiff was a member of the crew aboard the vessel, which was owned and/or
13 operated by Defendant.

14 42. At all times material hereto, the Assailant who sexually assaulted and raped
15 the Plaintiff was hired, retained and/or employed by Defendant.

16 43. At all times material hereto, Defendant was and is vicariously liable for the
17 tortious actions of its crewmembers/employees, including the Assailant, who sexually
18 assaulted and raped the Plaintiff.

19 44. As a direct and proximate result of the tortious actions of the Assailant, for
20 which Defendant is vicariously liable, Plaintiff was injured about her body and
21 extremities, suffered physical pain, mental anguish, loss of enjoyment of life,
22 disability, disfigurement, post-traumatic stress disorder and other mental and/or
23 nervous disorders, aggravation of any previously existing conditions therefrom,
24 incurred medical expenses in the care and treatment of her injuries, suffered physical
25 handicap, lost earnings and lost earning capacity, both past and future. The injuries
26 are permanent or continuing in nature and Plaintiff will suffer the losses and
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1 impairments in the future. In addition, Plaintiff lost the benefit of her vacation, cruise
2 and transportation costs.

3 WHEREFORE, Plaintiff demands judgment for all damages recoverable under
4 the law and demands trial by jury.

5 **COUNT II**

6 **NEGLIGENT HIRING AND/OR RETENTION AGAINST DEFENDANT**

7 The Plaintiff realleges, incorporates by reference and adopts the allegations set
8 forth in paragraphs one (1) through thirty-nine (39) as though alleged originally
9 herein.

10 45. At all times material hereto, it was the duty of Defendant to provide Plaintiff
11 with reasonable care under the circumstances.

12 46. At all times material hereto, Defendant had a duty to select and/or hire
13 competent and/or fit crewmembers.

14 47. At all times material hereto, as part of its duty to select and/or hire
15 competent and/or fit crewmembers, it was incumbent on Defendant to diligently
16 inquire into the crewmembers' competency and fitness.

17 48. On or about the above date(s), Defendant, its agents and/or employees,
18 breached its duty to exercise reasonable care by selecting and/or retaining the
19 Assailant, which was incompetent and/or unfit based on the Assailant's criminal
20 and/or predatory tendencies toward minors, as alleged in paragraphs 29-30.

21 49. At all times material hereto, Defendant knew of the foregoing conditions
22 causing the Assailant's incompetence and/or unfitness, or the conditions existed for a
23 sufficient length of time so that Defendant, in the exercise of reasonable care under
24 the circumstances, should have learned of them. This knowledge was or should have
25 been acquired through Defendant (a) performing a thorough and proper background
26 check on the Assailant before retaining him; and/or (b) repeatedly performing
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1 thorough and proper background checks on the Assailant throughout his employment
2 with Defendant, including before renewing each contract. This knowledge also was
3 or should have been acquired through prior complaints and/or incidents, wherein the
4 Assailant was accused of inappropriate behavior toward passengers generally and
5 minors specifically. These background checks, investigations, complaints and/or
6 incidents did or should have revealed the Assailant's criminal and/or predatory
7 tendencies toward minors, as alleged in paragraphs 29-30. Alternatively, the
8 foregoing conditions were caused by Defendant's crewmember, such that Plaintiff is
9 not required to plead Defendant's notice.

10 50. As a direct and proximate result of the incompetence and/or unfitness of the
11 Assailant and/or the negligence of Defendant, Plaintiff was injured about her body
12 and extremities, suffered physical pain, mental anguish, loss of enjoyment of life,
13 disability, disfigurement, post-traumatic stress disorder and other mental and/or
14 nervous disorders, aggravation of any previously existing conditions therefrom,
15 incurred medical expenses in the care and treatment of her injuries, suffered physical
16 handicap, lost earnings and lost earning capacity, both past and future. The injuries
17 are permanent or continuing in nature and Plaintiff will suffer the losses and
18 impairments in the future. In addition, Plaintiff lost the benefit of her vacation, cruise
19 and transportation costs.

20 WHEREFORE, Plaintiff demands judgment for all damages recoverable under
21 the law and demands trial by jury.

COUNT III

NEGLIGENCE FAILURE TO WARN AGAINST DEFENDANT

24 The Plaintiff realleges, incorporates by reference and adopts the allegations set
25 forth in paragraphs one (1) through thirty-nine (39) as though alleged originally
26 herein.

1 51. At all times material hereto, it was the duty of Defendant to provide Plaintiff
2 with reasonable care under the circumstances.

3 52. At all times material hereto, it was the duty of Defendant to warn passengers
4 (like the Plaintiff) of dangers that were known, or reasonably should have been
5 known, to Defendant in places where passengers (like the Plaintiff) are invited to or
6 may reasonably be expected to visit.

7 53. On or about the above date(s), Plaintiff was aboard the vessel, which is a
8 place Plaintiff was invited to by Defendant and a place Defendant reasonably
9 expected Plaintiff to be during the cruise.

10 54. On or about the above date(s), Defendant and/or its agents, servants and/or
11 employees breached its duty to warn the Plaintiff through the following acts and/or
12 omissions:

- 13 a. Failure to adequately warn passengers of the prevalence and/or dangers
14 of sexual assaults against passengers generally and minors specifically
15 aboard cruise ships, including, but not limited to, Defendant's vessels;
- 16 b. Failure to adequately warn passengers of the prevalence and/or dangers
17 of crewmembers sexually assaulting and/or raping other passengers
18 generally and minors specifically aboard cruise ships, including, but not
19 limited to, Defendant's vessels;
- 20 c. Failure to adequately warn passengers of the prevalence and/or dangers
21 of crewmembers targeting passengers generally and minors specifically;
- 22 d. Failure to adequately warn passengers that a heightened degree of care
23 should be exercised when passengers generally and minors specifically
24 interact with crewmembers aboard the vessel;
- 25 e. Failure to adequately warn passengers of the lack of adequate security
26 aboard the vessel for passengers generally and minors specifically;

1 and/or

2 f. Failure to adequately warn passengers that Defendant does not
3 adequately monitor or regulate the behavior of passengers generally and
4 minors specifically.

5 55. The above acts and/or omissions caused and/or contributed to the Plaintiff
6 being sexually assaulted and raped because Plaintiff would not have gone on the
7 cruise, would not have interacted with any crewmember, including the Assailant,
8 and/or would have taken additional measures to ensure her safety had Defendant
9 and/or its agents, servants and/or employees adequately warned and/or communicated
10 the foregoing to passengers, including Plaintiff.

11 56. At all times material hereto, Defendant knew or should have known of the
12 foregoing conditions causing the subject sexual assault and did not warn about them,
13 or the conditions existed for a sufficient length of time so that Defendant, in the
14 exercise of reasonable care under the circumstances, should have learned of them and
15 warned about them. This knowledge was or should have been acquired through (a)
16 the Assailant's inappropriate interaction with the minor Plaintiff throughout public
17 areas of the vessel (as alleged in paragraphs 15-21); (b) prior incidents; and/or (c) the
18 prevalence of sexual assaults aboard cruise ships (as alleged in paragraphs 34-39),
19 which did or should have revealed that passengers like the Plaintiff are targeted by
20 crewmembers and/or that a sexual assault and/or rape was reasonably foreseeable. In
21 addition, Defendant created the dangerous conditions by the lack of warnings,
22 supervision, security and/or training. Alternatively, the foregoing conditions were
23 caused by Defendant's crewmember, such that Plaintiff is not required to plead
24 Defendant's notice.

25 57. As a direct and proximate result of the negligence of Defendant, Plaintiff
26 was injured about her body and extremities, suffered physical pain, mental anguish,
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1 loss of enjoyment of life, disability, disfigurement, post-traumatic stress disorder and
2 other mental and/or nervous disorders, aggravation of any previously existing
3 conditions therefrom, incurred medical expenses in the care and treatment of her
4 injuries, suffered physical handicap, lost earnings and lost earning capacity, both past
5 and future. The injuries are permanent or continuing in nature and Plaintiff will suffer
6 the losses and impairments in the future. In addition, Plaintiff lost the benefit of her
7 vacation, cruise and transportation costs.

8 WHEREFORE, Plaintiff demands judgment for all damages recoverable under
9 the law and demands trial by jury.

10 **COUNT IV**

11 **NEGLIGENT SECURITY AGAINST DEFENDANT**

12 The Plaintiff realleges, incorporates by reference and adopts the allegations set
13 forth in paragraphs one (1) through thirty-nine (39) as though alleged originally
14 herein.

15 58. At all times material hereto, it was the duty of Defendant to provide Plaintiff
16 with reasonable care under the circumstances.

17 59. At all times material hereto, it was the duty of Defendant to provide
18 reasonable security and/or implement reasonable security measures aboard the vessel.

19 60. At all times material hereto, Defendant voluntarily undertook and/or
20 assumed the duty of security by retaining crewmembers to serve as security officers
21 and guards about the vessel and/or advertising its onboard security.

22 61. On or about the above date(s), Defendant and/or its agents, servants and/or
23 employees breached its duty to Plaintiff through the following acts and/or omissions:

- 24 a. Failure to provide adequate supervision and/or security presence aboard
25 the vessel so as to deter sexual assaults aboard the vessel against
26 passengers generally and minors specifically;

- 1 b. Failure to provide adequate supervision and/or security in public areas
2 aboard the vessel;
- 3 c. Failure to provide adequate supervision and/or security to protect
4 passengers generally and minors specifically aboard the vessel;
- 5 d. Failure to adequately supervise crewmembers to ensure they do not
6 target and/or sexually assault passengers generally and minors
7 specifically;
- 8 e. Failure to adequately monitor passengers generally and minors
9 specifically aboard the subject cruise to ensure they do not become
10 victims of crimes generally and sexual assaults specifically;
- 11 f. Failure to protect passengers generally and minors specifically from
12 sexual assaults aboard the vessel;
- 13 g. Failure to promulgate and/or enforce adequate policies and procedures
14 to provide for the monitoring of public areas aboard the vessel;
- 15 h. Failure to promulgate and/or enforce adequate policies and procedures
16 to provide adequate security to prevent passengers generally and minors
17 specifically from being targeted and/or sexually assaulted aboard the
18 vessel;
- 19 i. Failure to have adequate security aboard the vessel;
- 20 j. Failure to adequately train security; and/or
- 21 k. Failure to adequately supervise security.

22 62. The above acts and/or omissions caused and/or contributed to the subject
23 incident because, had Defendant provided reasonable security and/or implemented
24 reasonable security measures consistent with the foregoing, Plaintiff would not have
25 been sexually assaulted and/or raped.

26 63. At all times material hereto, Defendant knew or should have known of the
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1 foregoing conditions causing the subject sexual assault and did not correct them or
2 the conditions existed for a sufficient length of time so that Defendant, in the exercise
3 of reasonable care under the circumstances, should have learned of them and corrected
4 them. This knowledge was or should have been acquired through (a) the Assailant's
5 inappropriate interaction with the minor Plaintiff throughout public areas of the vessel
6 (as alleged in paragraphs 15-21); (b) prior incidents; and/or (c) the prevalence of
7 sexual assaults aboard cruise ships (as alleged in paragraphs 34-39), which did or
8 should have revealed that passengers like the Plaintiff are targeted by crewmembers
9 and/or that a sexual assault and/or rape was reasonably foreseeable. In addition,
10 Defendant created the dangerous conditions by the lack of warnings, supervision,
11 security and/or training. Alternatively, the foregoing conditions were caused by
12 Defendant's crewmember, such that Plaintiff is not required to plead Defendant's
13 notice.

14 64. As a direct and proximate result of the negligence of Defendant, Plaintiff
15 was injured about her body and extremities, suffered physical pain, mental anguish,
16 loss of enjoyment of life, disability, disfigurement, post-traumatic stress disorder and
17 other mental and/or nervous disorders, aggravation of any previously existing
18 conditions therefrom, incurred medical expenses in the care and treatment of her
19 injuries, suffered physical handicap, lost earnings and lost earning capacity, both past
20 and future. The injuries are permanent or continuing in nature and Plaintiff will suffer
21 the losses and impairments in the future. In addition, Plaintiff lost the benefit of her
22 vacation, cruise and transportation costs.

23 WHEREFORE, Plaintiff demands judgment for all damages recoverable under
24 the law and demands trial by jury.

COUNT V

GENERAL NEGLIGENCE AGAINST DEFENDANT

1 The Plaintiff realleges, incorporates by reference and adopts the allegations set
2 forth in paragraphs one (1) through thirty-nine (39) as though alleged originally
3 herein.

4 65. At all times material hereto, it was the duty of Defendant to provide Plaintiff
5 with reasonable care under the circumstances while she was a passenger aboard the
6 vessel.

7 66. On or about the above date(s), Defendant, its agents and/or employees,
8 breached its duty to exercise reasonable care, based on the following acts and/or
9 omissions:

- 10 a. Failure to provide reasonably safe conditions for the Plaintiff during the
11 voyage aboard the vessel (reasonably safe conditions include, but are not
12 limited to, preventing an atmosphere wherein crewmembers could target
13 and/or sexually assault passengers generally and minors specifically);
14 b. Failure to promulgate and/or enforce adequate policies and/or
15 procedures designed to prevent crewmembers from targeting and/or
16 preying on passengers generally and minors specifically;
17 c. Failure to promulgate and/or enforce adequate policies and/or
18 procedures with regard to sexual assaults, non-fraternization with
19 passengers, inappropriate contact with passengers, etc.;
20 d. Failure to adequately train and/or supervise crewmembers with regard to
21 sexual assaults, non-fraternization with passengers, inappropriate
22 contact with passengers, etc.; and/or
23 e. Failure to implement and/or enforce an adequate safety management
24 system and/or comply with the requirements under 46 U.S.C. § 3507 of
25 the Cruise Vessel Security & Safety Act.

26 67. The above acts and/or omissions caused and/or contributed to the subject
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1 incident because, had Defendant provided reasonable care under the circumstances,
2 Plaintiff would not have been sexually assaulted and/or raped.

3 68. At all times material hereto, Defendant knew or should have known of the
4 foregoing conditions causing the subject sexual assault and did not correct them or
5 the conditions existed for a sufficient length of time so that Defendant, in the exercise
6 of reasonable care under the circumstances, should have learned of them and corrected
7 them. This knowledge was or should have been acquired through (a) the Assailant's
8 inappropriate interaction with the minor Plaintiff throughout public areas of the vessel
9 (as alleged in paragraphs 15-21); (b) prior incidents; and/or (c) the prevalence of
10 sexual assaults aboard cruise ships (as alleged in paragraphs 34-39), which did or
11 should have revealed that passengers like the Plaintiff are targeted by crewmembers
12 and/or that a sexual assault and/or rape was reasonably foreseeable. In addition,
13 Defendant created the dangerous conditions by the lack of warnings, supervision,
14 security and/or training. Alternatively, the foregoing conditions were caused by
15 Defendant's crewmember, such that Plaintiff is not required to plead Defendant's
16 notice.

17 69. As a direct and proximate result of the negligence of Defendant, Plaintiff
18 was injured about her body and extremities, suffered physical pain, mental anguish,
19 loss of enjoyment of life, disability, disfigurement, post-traumatic stress disorder and
20 other mental and/or nervous disorders, aggravation of any previously existing
21 conditions therefrom, incurred medical expenses in the care and treatment of her
22 injuries, suffered physical handicap, lost earnings and lost earning capacity, both past
23 and future. The injuries are permanent or continuing in nature and Plaintiff will suffer
24 the losses and impairments in the future. In addition, Plaintiff lost the benefit of her
25 vacation, cruise and transportation costs.

26 WHEREFORE, Plaintiff demands judgment for all damages recoverable under
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1 the law and demands trial by jury.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, the Plaintiff respectfully request the Court enter judgment in
4 her favor and against Defendant as follow:

- 5 1. To enter judgment in favor of the Plaintiff against Defendant on all
6 causes of action as alleged herein;
- 7 2. To award compensatory damages in the amount to be ascertained at trial;
- 8 3. To award punitive damages, as permitted by law, in the amount to be
9 ascertained at trial;
- 10 4. To award costs of suit, as permitted by law;
- 11 5. For prejudgment interest according to proof; and
- 12 6. To enter such other and further relief as the Court deems just under the
13 circumstances.

14 DATED: February 28, 2023

15 LIPCON MARGULIES & WINKLEMAN, P.A.

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17 BY: s/ Carol. L. Finklehoffe

18 CAROL L. FINKLEHOFFE

19 Attorney for Plaintiff

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21 **DEMAND FOR JURY TRIAL**

22 Plaintiff hereby demands a trial by jury on all claims for relief.

23 DATED: February 28, 2023

24 LIPCON MARGULIES & WINKLEMAN, P.A.

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2 BY: s/ Carol. L. Finklehoffe
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CAROL L. FINKLEHOFFE

4 Attorney for Plaintiff
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